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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,717	07/06/2000	Kimihiro Kikuchi	9281-3703	5991

757 7590 11/14/2002

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EXAMINER

HECKENBERG JR, DONALD H

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 11/14/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/611,717

Applicant(s)

KIKUCHI ET AL.

Examiner

Donald Heckenberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on July 6, 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Applicant's election of Group I (claims 1-5) in Paper No. 5 is acknowledged. Because Applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Group II (claim 6) is withdrawn from further consideration.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "60" has been used to designate both "chuck" (p. 1, ln. 17) and "a light source" (p. 2, ln. 12). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Pub. No. 06-67032 A (hereinafter "JP

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'032"). Reference below will be made to the figures of this document, as well as to the machine English translation attached to the document.

JP '032 teaches, in the embodiment shown in fig. 1, a plastic optical fiber treatment method comprising pressing a core end face (Fa) of a plastic optical fiber (F) end on a transfer face (33a) of a heated mold (33), separating the core from the mold and cooling the core end face naturally, and intermittently repeating the pressing/separating between the core end face and the transfer face which deforms the shape of the core end face gradually and transfer the face of the mold to the core end face (translation p. 4, ¶ 23), and thereby form a lens face shape (translation p. 4, ¶ 26).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for

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establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP '032 as applied to claims 1-3 above, and in view of Yamamura et al. (US Pat. No. 5,770,132; previously of record).

JP '032 teaches the method as described above. JP '032 fails to teach the method to further comprise removing a cover of the plastic optical fiber end to expose the core end face.

Yamamura teaches that is known in the art of treating the end face of a plastic optical fiber, that a cover (a2) can be removed from a clad core (a1) in order to expose the end of the fiber which is to be treated (see fig. 5a and col. 4, lns. 28-37).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have modified the method of JP '032 as such to have further provide a step of removing a cover from the core prior to the treatment because this would expose the end face and thus make it easier to work upon as suggested by Yamamura.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP '032 and Yamaura as applied to claims 1-4 above, and further in view of Luther et al. (US Pat. No. 5,966,485).

JP '032 and Yamaura teach the method above for treatment of an end face of an optical fiber, with the cover removed from the clad core prior to the treatment. JP '032 and Yamaura fail to

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teach the method to further comprise removing a clad of the core end face of the plastic optical fiber.

Luther teaches a process for making an optical fiber including an end face treatment, wherein the clad (4) is removed from the core end face (18) of an optical fiber for the purpose of making the core protrude beyond the clad for easier further processing (see fig. 3 and col. 7, lns. 1-12).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have modified the method of JP '032 and Yamura as such to have further provided a step of removing the clad surrounding the core because this would make a protruding core tip which would be easier to perform further end face treatment on as suggested by Luther.

10. The following references are cited, but not relied upon, as being pertinent to the instant application:

Nijman (US Pat. No. 4,510,005) teach a method and apparatus for reshaping the end of an optical fiber.

Nakamura (US Pat. No. 5,044,721) teaches a holder for optical fiber end-processing.

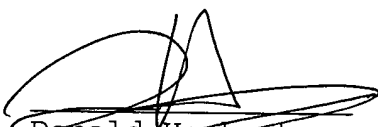
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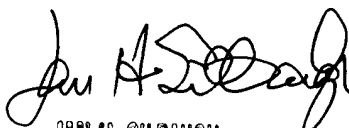
European Pub. No. 0 666 486 A1 teaches a terminal treatment process for a plastic optical fiber.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Heckenberg whose telephone number is (703) 308-6371. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jan Silbaugh, can be reached at (703) 308-3829. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 for responses to non-final action, and 703-872-9311 for responses to final actions. The unofficial fax phone number is (703) 305-3602.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Donald Heckenberg
November 7, 2002


JAN H. SILBAUGH
SUPERVISORY PATENT EXAMINER
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11/13/02